

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

| | | |
|------------------------------|---|---------------------|
| UNITED STATES OF AMERICA and |) | |
| STATE OF IOWA, |) | |
| <i>ex rel.</i> Peggy West, |) | |
| |) | 19-cv-03050-CJW-KEM |
| Plaintiffs and Relator, |) | |
| |) | |
| vs. |) | |
| |) | |
| BERGMAN FOLKERS PLASTIC |) | |
| SURGERY, PC, and RONALD S. |) | |
| BERGMAN, D.O., |) | |
| |) | |
| Defendants. |) | |

JOINT MOTION TO DISMISS

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and 31 U.S.C. § 3730(b)(1), the United States, the State of Iowa, and Relator Peggy West move for dismissal of the above-captioned matter, subject to the terms of their settlement agreements entered into with Defendants Bergman Folkers Plastic Surgery PC (now known as Bergman Cosmetic Surgery, P.C.) and Ronald S. Bergman, D.O.

The United States and the State of Iowa seek dismissal with prejudice only as to the Covered Conduct released in the settlement agreements, attached as Exhibits A-1 and A-2, and without prejudice as to any other claims. Relator seeks dismissal of the action with prejudice, with the exception of her wrongful termination claim brought under to 31 U.S.C. § 3730(h), for which she seeks dismissal without prejudice.

The parties intend that this dismissal dispose of all claims in the above-captioned matter. A proposed order is submitted herewith.

Respectfully submitted this 12th day of October, 2022.

Respectfully submitted,

TIMOTHY T. DUAX
United States Attorney

By: */s/ Melissa A. Carrington*

MELISSA A. CARRINGTON
MATTHEW K. GILLESPIE
Assistant United States Attorneys
111 7th Avenue SE, Box 1
Cedar Rapids, IA 52401-2101
Tel: (319) 363-6333
Fax: (319) 363-1990
Melissa.Carrington@usdoj.gov
Matthew.Gillespie@usdoj.gov

Attorneys for Plaintiff,
United States of America

THOMAS J. MILLER
Attorney General of Iowa

By: */s/ Tricia Dieleman* _____
Tricia Dieleman
Assistant Attorney General
321 East 12th St.
Lucas State Office Bldg. - 3rd Floor
Des Moines, Iowa 50319
Telephone: (515) 281-8209
Email: tricia.dieleman@dia.iowa.gov

Attorney for Plaintiff, State of Iowa

/s/ Melissa C. Hasso

Melissa C. Hasso AT0009833

Mark D. Sherinian AT0007173

Emily E. Wilson AT0013860

SHERINIAN & HASSO LAW FIRM

521 E. Locust St., Suite 300

Des Moines, IA 50309

Telephone: (515) 224-2079

Facsimile: (515) 224-2321

E-mail: mhasso@sherinianlaw.com

sherinianlaw@msn.com

ewilson@sherinianlaw.com

Attorneys for Relator, Peggy West

CERTIFICATE OF SERVICE

I hereby certify that on 10/12/2022, I filed the foregoing with the Clerk of the Court. I hereby certify that a copy of this document was served on the parties or attorneys of record shown below by electronic mail.

UNITED STATES ATTORNEY

BY: /s/ D. Nash

Copies to: Melissa C. Hasso, Mark D. Sherinian, Emily E. Wilson, Attorneys for relator
Tricia Dieleman, Attorney for State of Iowa